

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon. William H. Walls

v. : Crim. No. 07-979(WHW)

Francis Esteban Jacobs Calletano, :
a/k/a "Hugo Guerrero

O R D E R

This matter having come before the Court on June 23, 2009 on the Court's own motion based on concerns regarding the defendant's mental competency to stand trial based on answers the defendant gave to questions posed to him by the Court immediately prior to jury selection in this matter;

WHEREAS based on the Court's concerns, the Court directs that the defendant be designated to a Bureau of Prison Facility for mental evaluation to determine his competency to stand trial;

WHEREAS the time from June 23, 2009 until the defendant's mental evaluation is complete, the Court receives a report, and the Court conducts a hearing to determine the defendant's mental competency shall be excluded in computing time under the Speedy Trial Act of 1974 (as amended October 12, 1984), pursuant to Title 18, United States Code, Section 3161(h)(1)(A),

IT IS on this 30 day of June, 2009,

ORDERED that pursuant to 18 U.S.C. §§ 4241 and 4247, the United States Marshals Service shall transport the defendant, Francis Esteban Jacobs Calletano, a/k/a "Hugo Guerrero," to an appropriate facility for a period of thirty (30) days for psychiatric or psychological

evaluation to determine whether the defendant presently suffers from any mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense; and it is further

ORDERED that within thirty (30) days of the date of entry of this Order, a report shall be prepared and filed with the Court which shall include: (1) the defendant's present symptoms, if any; (2) a description of the psychiatric tests that were employed and their result; (3) the examiner's opinion as to diagnosis and prognosis; and (4) the examiner's opinion as to whether the defendant presently suffers from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense; and it is further

ORDERED THAT the period from June 23, 2009 through the date that the Court determines the defendant's mental competency shall be excludable in computing time under the Speedy Trial Act of 1974 (as amended October 12, 1984), pursuant to Title 18, United States Code, Section 3161(h) (1) (A).

A handwritten signature in black ink, appearing to read 'W. H. Walls', is written over a horizontal line.

Honorable William H. Walls
United States District Judge